

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

LEWIS EDWARD MURRELL,)
)
Petitioner,)
)
vs.) No. CIV-14-863-C
)
JANET DOWLING,)
)
Respondent.)

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner has filed a second request for extension of time in which to file an objection to the Report and Recommendation of the Magistrate Judge which, like his first such request, sets out his objection but requests additional time to gather evidence in support. The Court declines to grant additional time because such evidence would not change the result recommended by Judge Goodwin. Instead, the Court will treat the Request for Extension as a timely filed Objection, and consider the matter de novo.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. There is nothing alleged by Petitioner regarding his trial counsel's failures with respect to the plea or appeal that is sufficient to toll the statute of limitations found at 28 U.S.C. § 2244(d)(1).

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, this petition for habeas corpus relief

is dismissed, as untimely. As no amendment can cure the defect, this dismissal acts as an adjudication on the merits, and a judgment will enter.

IT IS SO ORDERED this 21st day of July, 2015.



ROBIN J. CAUTHRON
United States District Judge